

SENATE BILL 7078

By Massey

AN ACT to amend Tennessee Code Annotated, Section 33-3-206, relative to duties required of mental health professionals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-3-206, is amended by deleting the section and substituting:

(a) IF AND ONLY IF

(1) a service recipient has communicated to a qualified mental health professional or behavior analyst an

(A) intent for or perceived actual threat of bodily harm against a clearly identified victim, OR

(B) intent for or perceived actual threat of bodily harm against a group of people, including, but not limited to, students at a day care or school, people at a place of worship, and members of the service recipient's family, AND

(2) the qualified mental health professional or behavior analyst, using the reasonable skill, knowledge, and care ordinarily possessed and exercised by the professional's or analyst's specialty under similar circumstances, has determined or reasonably should have determined that the service recipient has the apparent ability to commit such an act,

THEN

(3) the professional or analyst shall

(A) take reasonable care to predict, warn of, or take precautions to protect the identified victim or group of people from the service recipient's violent behavior, AND

(B) report the threat to

(i) the department of mental health and substance abuse services, OR

(ii) the local law enforcement agency with jurisdiction over the municipality or county of residence of the service recipient.

(b) A qualified mental health professional or behavior analyst who acts or makes a reasonable attempt to act in accordance with subsection (a) is not liable for damages in a civil action, subject to prosecution in a criminal proceeding, or subject to disciplinary action by a regulatory board for such act or reasonable attempt to act.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to acts occurring on or after the effective date of this act.